

**New Jersey Department of Environmental Protection
and
New Jersey Environmental Infrastructure Trust**

**NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM
APPLICATION FOR FINANCIAL ASSISTANCE**

GENERAL INSTRUCTIONS

A) USE OF THIS APPLICATION

This package is to be used for applying for financial assistance from the New Jersey Environmental Infrastructure Financing Program for the construction of environmental infrastructure facilities. All dollar amounts requested in this application should be rounded to the nearest dollar. If an item cannot be answered or does not appear to be relevant, write “NA” for “not applicable.” When answering “yes” to any question regarding necessary permits, always list the permit number in the space provided.

This package also is to be used to request additional financial assistance for a project which has previously received funding from the New Jersey Environmental Infrastructure Financing Program and whose allowable costs have increased due to the receipt of bids or cost overruns for that project. When a request is made for supplemental assistance for an approved loan, submit only those pages that are appropriate.

B) COMPLETING THE APPLICATION

a) The application package consists of five parts:

Part I – GENERAL INFORMATION

- Application for a Fund/Trust Loan (FORM LP-2)
- Authorizing Resolution (Sample copy attached) or letter

Part II - ASSURANCES

- Statement of Assurances (FORM LP-3)
- Assurance of Compliance with Title VI of the Civil Rights Act of 1964 (FORM LP-4)

Part III – BUDGET INFORMATION

- Instructions
- New Project (FORM LP-5A)
- Previously Funded Project (FORM LP-5B)
- TABLE # 1 - Allowance for Facilities Planning and Design
- Project Cost Breakdown “Per Subagreement” (FORM LP-6A)
- Projected Disbursement Schedule (FORM LP-6B)

Part IV – PROJECT APPROVAL INFORMATION

- Affidavit of Compliance (FORM LP-7)
- Application Checklist (FORM LP-8)

PART V - ADDITIONAL INFORMATION

- Additional Information (FORM LP-9)
- Applicant Contacts (FORM LP-10)
- Guidance For The Use and Submittal of Affidavit for Professional Services
- Affidavit for Professional Services (FORM LP-11)
- Preaward Compliance Review Report (EPA Form 4700-4)

C) SUBMISSION OF APPLICATION

- a) An original and two copies mailed to the New Jersey Department of Environmental Protection, Municipal Finance and Construction Element, P. O. Box 425, Trenton, New Jersey 08625-0405.
- b) Financial addendum (Financial Background Information) instructions for the submittal are contained within the addendum and will be provided at a later date.

D) ASSISTANCE REGULATIONS

Applicants are expected to comply with all rules applicable to the New Jersey Environmental Infrastructure Financing Program. These rules are published in N.J.A.C. 7:22-3, 4, 5, 8, 9, and 10. A copy of these rules is available upon request from the Municipal Finance and Construction Element.

E) PROJECT

The term “project” as used in this application form refers to the scope of work for which this application for Department and Trust assistance is being made pursuant to N.J.A.C. 7:22-3, 4 and 5.

F) RESERVE CAPACITY

In accordance with N.J.A.C. 7:22-4.36, the applicant must indicate in the application whether or not they want to exercise their option to receive Trust loan assistance for those costs related to reserve capacity that the Department determines to be unallowable under the provisions of N.J.A.C. 7:22-3.36. (See FORM LP-2, page 2.)

Should you have any questions regarding this application, please contact one of the following:

- Bureau of Administration & Management at (609) 633-1208
- Bureau of Financing and Construction Permits at (609) 984-6840
- Bureau of Safe Drinking Water at (609) 292-5550

Part I

GENERAL INFORMATION

- FORM LP-2

Application for Financial Assistance

- ATTACHMENT:

Authorizing Resolution (Sample included)

Or

Letter from Privately Owned Water System

New Jersey Department of Environmental Protection
Division of Water Quality
Municipal Finance and Construction Element
Bureau of Administration and Management
PO Box 425
Trenton, New Jersey 08625-0425
Telephone: (609) 633-1208

New Jersey Environmental Infrastructure Trust
PO Box 440
Trenton, New Jersey 08648-0440
(609) 219 -8600

Department Use Only
Copies to:
Date:

FORM LP-2 APPLICATION FOR FINANCIAL ASSISTANCE

PLEASE PRINT OR TYPE

Legal Name of Applicant _____

Mailing Address _____

City _____ State _____ Zip _____

Contact Person _____

Title _____

Telephone Number () _____

County _____ Federal ID Number _____

LOAN REQUEST

1. The above applicant requests a New Jersey Environmental Infrastructure Financing Program loan in amount of \$ _____

2. Reserve Capacity

Does the applicant above request a loan from the New Jersey Environmental Infrastructure Trust pursuant to N.J.A.C. 7:22-4.36 for costs associated with Reserve Capacity which are deemed unallowable for funding from the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:22-3.36 (i.e., 100% of the reserve capacity costs will be financed at market rate)?

YES _____ NO _____

PROJECT INFORMATION

Location of Project (include municipalities, counties, etc.)

Description of Project (be specific)

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

CERTIFICATION

The undersigned representative of the applicant being duly sworn according to law, upon his oath deposes and says that the information in the application and in the attached statements and exhibits is true, correct, and complete to the best of the applicant's knowledge, information and belief. The undersigned representative of the applicant further deposes and says that:

1. As evidenced by the **ATTACHED CERTIFIED COPY OF RESOLUTION ADOPTED BY THE LOCAL GOVERNMENT UNIT , OR LETTER BY THE OWNER(S) OF THE PRIVATELY OWNED PUBLIC OR NONPROFIT NONCOMMUNITY WATER SYSTEMS**, the undersigned representative has been authorized to file this application;
2. The applicant has agreed that if a Fund and a Trust loan for the project is made pursuant to N.J.A.C. 7:22-3, 4 and 5 (rules of the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust), the applicant will pay all costs of the approved project not covered by the Fund and Trust loans; and
3. The applicant agrees that all statements, data and supporting documents made or submitted by the applicant in connection with any applications for State or Federal assistance for the project are to be deemed a part of this application as if they were herein repeated and set forth in full.

Date _____

Signature of Authorized Representative

Name of Authorized Representative (typed)

Title of Authorized Representative (typed)

Sworn to and subscribed before me this

____ day of _____, 20

Signature

MUNICIPAL SEAL or NOTARY PUBLIC SEAL

RESOLUTION AUTHORIZING APPLICATION
FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE FINANCING PROGRAM

(Sample)

Resolution Number _____

Applicant _____

Loan Number _____

WHEREAS, the (Name of Applicant) _____ intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the (description of project):

NOW, THEREFORE BE IT RESOLVED, that (name of individual and title) _____ be authorized to act as the Authorized Representative to represent the (Name of Applicant) _____ in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at (full address and telephone number):

I do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by (Name of Applicant) _____ at a meeting duly held on the _____ day of _____, 20____.

Dated: _____

Signed: _____

Certified By: _____

Part II

ASSURANCES

- FORM LP-3
Statement of Assurances

- FORM LP-4
Assurance of Compliance with the
Regulations under Title VI of the
Civil Rights Act of 1964

FORM LP-3 STATEMENT OF ASSURANCES

As authorized representative of (Name of Applicant) _____

I, (Name) _____, certify that (Name of Applicant) _____

agrees to comply with the laws, rules, policies, requirements and conditions relating to the New Jersey Environmental Infrastructure Financing Program for this project.

ADMINISTRATIVE REQUIREMENTS

1. Has the legal, institutional, managerial, technical and financial capability to ensure adequate construction and operation and maintenance (including replacement) of the environmental infrastructure facilities, and has analyzed the local share of the costs of the proposed environmental infrastructure facilities, including the financial impact on the service area.
2. Will give the New Jersey Department of Environmental Protection (DEP) and the New Jersey Environmental Infrastructure Trust (Trust) through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the loan, and will establish an accounting system in accordance with generally accepted accounting principles and auditing standards.
3. Has a fee simple title or such other estate or interest in the site of the project, including necessary easements and rights-of-way as the DEP finds sufficient to assure undisturbed use and possession for the purposes of construction and operation for the estimated life of the project, and will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from DEP.
4. For local government units, will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or gives the appearance of constituting a personal or organizational conflict of interest, and shall otherwise comply with the DEP's minimum standards of conduct found in N.J.A.C. 7:22-8.1 et seq.
5. Will ensure that the facilities under its ownership, lease or supervision used to accomplish the project are not listed on the U. S. Environmental Protection Agency's (EPA) list of Violating Facilities, and will notify the DEP of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for such listing by EPA.
6. Has not or shall not enter into any contract and has not or shall not award any subcontract to any person(s) included on EPA's or the New Jersey State Treasurer's List of Debarred, Suspended or Disqualified Bidders as a result of action by any Federal or State agency for the building of the project.
7. Has not violated any Federal, State or local law pertaining to fraud, bribery, graft or collusion.

PROGRAMMATIC REQUIREMENTS

8. Will obtain approval by DEP of the final design drawings and specifications before the project is advertised for bidding, and will complete the project in accordance with the application, facilities plan/project report, plans and specifications and other documents or amendments thereto approved by the DEP.
9. Will provide and maintain competent and adequate engineering supervision under the direction of a Professional Engineer, licensed in the State of New Jersey, who shall ensure that the construction conforms with the accepted plans and specifications, who shall furnish progress reports and such other information as DEP may require and who shall certify to the DEP that the completed work is in conformance with accepted plans and specifications.
10. Will operate and maintain the environmental infrastructure facilities in accordance with the minimum standards as required by the pertinent Federal, State and local agencies for the maintenance and operation of such facilities; and in accordance with all permits.
11. Will retain sufficient qualified operation and management personnel from the time of completion of construction or initiation of operation, whichever is earlier, until such time as the operation of the facility is discontinued, and the applicant shall retain a qualified chief operating officer or executive director.
12. Will initiate procurement action for building all significant elements of the project within 12 months of the loan closing; and will diligently pursue completion of the project.
13. Will assure that, if assistance is for a new system which is allowable, the existing population will connect to the system within a reasonable time after project completion.
14. Will assure that the environmental infrastructure facilities for which this application is requesting funds, are made operational according to the project schedule submitted herewith, regardless of whether additional funding is received.
15. Will have available sufficient funds to pay that portion of the project costs not covered by the financial assistance being applied for with this application, and shall use these funds to make such payments.
16. For projects sponsored by local government units, will require the contractor to provide bonds in compliance with N.J.S.A. 2A:44-123 et seq., and ensure that the actual construction work is performed by the lump sum (fixed price) or unit contract method or combination thereof.
17. Will require the facilities to be designed to comply with the American National Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117-1-196.

STATUTORY REQUIREMENTS

18. Will comply with the provision of Executive Order 11988 relating to evaluation of potential effects of any actions in a floodplain, and Executive Order 11190 relating to minimizing harm to wetlands.

19. Will comply, or have already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of assisted programs.
20. Will comply with the provisions of the Hatch Act, which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
21. Will comply with the provisions of the Davis-Bacon Act (not applicable to drinking water projects), the Copeland Act, and the Contract Work Hours and Safety Standards Act, all of which govern labor standards for federally assisted construction subagreements, where applicable.
22. Will comply with the flood insurance purchase requirements of N.J.S.A. 58:16A-50 et seq., N.J.A.C. 7:13-2.1 et seq., and Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires loan recipients in a special flood hazard area, as a loan condition, to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more. (See 40 CFR 30.600(b) and 44 CFR Parts 59 through 79.)
23. Will assist the DEP to comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), Executive Order 11593, the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.), the Act Establishing the New Jersey Register of Historic Places and Executive Order No. 215 Environmental Assessment.
24. Will comply with Section 13 of the Federal Water Pollution Control Act of 1972, which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program under the Act.
25. Will comply with Title VI of the Civil Rights Act of 1964, with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq. and with the Anti-Discrimination and Affirmative Action Provisions of N.J.S.A. 10:2-1 to 10:2-4.
26. Will comply with all applicable requirements of Federal, State and local laws, ordinances, executive orders, policies, rules and regulations governing this program, including N.J.A.C. 7:22-3, 4, 5, 9, and 10.
27. Will establish, for wastewater treatment projects, an effective regulatory program for pretreatment pursuant to N.J.S.A. 58:10A-6 et seq. and 40 CFR Part 403.
28. For local government units, will comply with applicable procurement requirements of the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq.

CERTIFICATION

I certify that I am a duly authorized representative of the within named applicant, and that I have read and understand these requirements and assurances. I further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date

Signature of Authorized Representative

Name of Authorized Representative (typed)

Title of Authorized Representative (typed)

Project No. _____

New Jersey Department of Environmental Protection

**FORM LP-4 ASSURANCE OF COMPLIANCE WITH THE
REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS
ACT OF 1964**

Name of Applicant _____

(Hereinafter called "Applicant")

HEREBY AGREES THAT it shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed pursuant to that title, as well as the New Jersey "Law Against Discrimination" as set forth in Title 10, Chapter 5 of the New Jersey Statutes Annotated, to the end that, in accordance with Title VI of the Act and the Regulations no person in the United States shall, on the ground of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives financial assistance from the State of New Jersey; nor shall any person, on the ground of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation or sex, be denied the benefits of, or be otherwise subjected to discrimination under any program for which the Applicant receives financial assistance from the State of New Jersey; and HEREBY GIVES ASSURANCE THAT it shall immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of State financial assistance extended to the Applicant by the State of New Jersey, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which the State financial assistance is extended.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all State grants, loans, contracts, property, discounts, or other State financial assistance extended after the date hereof to the Applicant by the State of New Jersey; including installment payments after which date on account of applications for State financial assistance which were approved before such date. The Applicant recognizes and agrees that such State financial assistance shall be extended in reliance on the representative and agreements made in this assurance, and that the State of New Jersey shall have the right to seek judicial enforcement of this assurance.

The assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance behalf of the Applicant.

Signature of Authorized Representative

Date

Name of Authorized Representative (typed)

Title of Authorized Representative (typed)

Sworn to and subscribed before me this
____ day of _____, 20____

Signature

NOTARY PUBLIC SEAL

PART III

BUDGET INFORMATION

- PART III INSTRUCTIONS
- FORM LP-5A
New Project
- FORM LP-5B
Previously Funded Project
- FORM LP-6A
Project Cost Breakdown
“Per Subagreement”
- FORM LP-6B
Projected Disbursement
Schedule

PART III INSTRUCTIONS

Part III consists of FORMS LP-5A, 5B, 6A and 6B. FORMS LP-6A and 6B are self-explanatory.

In all forms you are required to consider costs which are not allowable under the New Jersey Environmental Infrastructure Financing Program. Additional information can be found in N.J.A.C. 7:22-5.1 through 5.12.

The applicant is encouraged to seek State assistance in determining what types of costs are not allowable under the program.

BUDGET INFORMATION (FORM LP-5A/5B)

FORM LP-5A is to be used to calculate project costs for new projects. FORM LP-5B is used to calculate the increase in project costs for previously funded projects (supplemental loans).

ITEM 1 - ADMINISTRATIVE EXPENSES

Estimated amounts needed to cover administrative and legal expenses. Allowable administrative expenses do not include costs, which are related to the normal functions of the applicant. Allowable legal costs include certain services in support of the construction of the project (i.e., review of contracts), and costs pertaining to the loan closing. Total allowable administrative expenses are limited to three percent (3%) of the allowable building costs (Line Item 4).

ITEM 2 - OTHER COSTS (Please Explain)

If applicable, enter the costs and attach a breakdown with a description of the services.

ITEM 3 - ENGINEERING FEES

Engineering fees during construction, such as basic engineering fees and engineering inspection costs (this includes costs for shop-drawing review, bidding and award of contracts, surveys, tests, construction inspection and management, start-up services, project performance reviews).

ITEM 4 - BUILDING COSTS

Estimated costs for construction of facility including demolition and removal of existing structures. Also include estimated costs of shop drawings, laboratory, office and safety equipment.

ITEM 5 - CONTINGENCIES

Five percent (5%) of Line Item 4 which will be used in the event of cost overruns.

ITEM 6 - ALLOWANCE FOR PLANNING AND DESIGN

Calculate the amount for the planning and design allowance in accordance with the attached: Table 1 - Allowance for Facilities Planning and Design or Table 2 - Allowance for Design Only.

ITEM 7 - TOTAL PROJECT COSTS

LP-5A BUDGET INFORMATION - NEW PROJECT

Name of Applicant _____ Project Number _____

COST CLASSIFICATION	a. Total Project Costs During Construction	b. Project Costs Not Allowable for Fund and Trust Financing	c. Allowable Costs Subtract Column b from Column a and enter below $c=a-b$
1. Administrative Expenses (3% of Line No. 4)			
2. Other Costs			
3. Engineering Fees			
4. Building Costs			
5. Contingencies (5% of line No. 4)			
6. Allowance for Planning and Design (see attached table)			
7. TOTAL PROJECT COSTS			

LP-5B

BUDGET INFORMATION – SUPPLEMENTAL LOAN

Name of Applicant _____ Project Number _____

COST CLASSIFICATION	a. Costs per Last Loan Award		b. Adjustments (+) or (-)		c. Revised Cost	
	(1) Total	(2) Allowable	(1) Total	(2) Allowable	(1) Total	(2) Allowable
1. Administrative Expenses (3% of Line No. 4)						
2. Other Costs						
3. Engineering Fees						
4. Building Costs						
5. Contingencies (5% of line No. 4)						
6. Allowance for Planning and Design (see attached table)						
7. TOTAL PROJECT COSTS						

TABLE 1

ALLOWANCE FOR FACILITIES PLANNING AND DESIGN

<u>Building Cost</u>	<u>Allowance</u>
\$1,000,000 or less	25 percent of the allowable building cost; up to a maximum of \$250,000.
\$1,000,000 to \$10,000,000	\$250,000 plus 12 percent of the allowable building cost over \$1,000,000; up to a maximum of \$1,330,000.
\$10,000,000 to \$100,000,000	\$1,330,000 plus six percent of the allowable building cost over \$10,000,000; up to a maximum of \$6,730,000.
Over \$100,000,000	\$6,730,000 plus five percent of the allowable building cost over \$100,000,000

New Jersey Environmental Infrastructure Financing Program

**LP-6A PROJECT COST BREAKDOWN "PER SUBAGREEMENT"
FOR CONSTRUCTION**

Applicant _____

Project Number _____

ENGINEERING	TOTAL COST	ALLOWABLE COST
Contract No.	\$	\$
Contract No.	\$	\$
Contract No.	\$	\$
Contract No.	\$	\$
Contract No.	\$	\$
SUBTOTAL	\$	\$
CONSTRUCTION	TOTAL COST	ALLOWABLE COST
Contract No.	\$	\$
Contract No.	\$	\$
Contract No.	\$	\$
Contract No.	\$	\$
Contract No.	\$	\$
SUBTOTAL	\$	\$
TOTAL	\$	\$

New Jersey Environmental Infrastructure Financing Program

LP-6B

PROJECTED DISBURSEMENT SCHEDULE

Applicant _____

Project Number_____

[illegible]

Note: This information will be used to determine the Trust Bond dollar amount and the Trust and Fund disbursement schedules.

¹ Please indicate, next to the appropriate month, the following milestones: Advertisement of Contract, Notice to Proceed, Initiation of Operation, and Construction Completion.

PART IV

PROJECT APPROVAL INFORMATION

- FORM LP-7
Affidavit of Compliance, and
Attachment "A"

- FORM LP-8
Application Checklist

New Jersey Department of Environmental Protection

LP-7

AFFIDAVIT OF COMPLIANCE

I, _____, the undersigned authorized representative for a Fund Loan pursuant to N.J.A.C. 7:22-3.1 et seq. and a New Jersey Environmental Infrastructure Trust Loan pursuant to N.J.A.C. 7:22-4.1 being duly sworn according to law, upon my oath depose and say that:

1. The applicant has applied for and received all of the permits and approvals required for this project as listed in Attachment A.
2. The applicant has attached to this Affidavit copies of all the required permits and approvals listed in Attachment A.
3. The applicant will comply with all the terms and conditions of all the required permits and approvals listed in Attachment A.

The foregoing statements made by me are true and the attached copies of documents are true and correct copies of the documents contained in the applicant's files.

Date

Signature of Authorized Representative

Name of Authorized Representative (typed)

Title of Authorized Representative (typed)

Sworn to and subscribed before me this

___ day of _____, 20

Signature

NOTARY PUBLIC SEAL

New Jersey Department of Environmental Protection

LP-7 AFFIDAVIT OF COMPLIANCE - ATTACHMENT A

State Fiscal Year _____

Project No. _____

Project Name _____

Applicant _____

Name of Authorized Representative _____

APPLICABLE PERMIT(S)/APPROVAL(S)

(Applicable mark "Yes" and provide permit number as required - Not Applicable mark "No")

Yes___ No___ (1) New Jersey Pollutant Discharge Elimination System permit; (New NJPDES or Modified NJPDES), Pollutant Discharge Elimination System, N.J.A.C. 7:14A-1 et seq.

Permit Number _____

Yes___ No___ (2) Treatment Works Approval, (Permit to Construct N.J.A.C. 7:14A-22 and 23.

Permit Number _____

Yes___ No___ (3) Sewer Ban Exemption Approval, Treatment Works Approval, Sewer Bans, Sewer Ban Exemptions, N.J.A.C. 7:14A-22-1 et seq.

Permit Number _____

Yes___ No___ (4) Soil Erosion and Sediment Control Plan Certification for Land Disturbance, Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-1 et seq.

Permit Number _____

Yes___ No___ (5) OSHA Compliance, Bureau of Construction Project Review, Department of Community Affairs, Occupational Safety and Health Act (OSHA), 29 U.S.C. 651 et seq.

Permit Number _____

Yes___ No___ (6) UCC Review, Bureau of Construction Project Review, Department of Community Affairs, State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.

Permit Number _____

Yes___ No___

(7) Air Permit to Construct/Install/Alter Control Apparatus/Equipment Permits and Certificates, N.J.A.C. 7:27-8.1 et seq.

Permit Number _____

Yes___ No___

(8) Coastal Area Facility Review Act (CAFRA) Permit, Coastal Zone Management, N.J.A.C. 7:7E-1 et seq.

Permit Number _____

Yes___ No___

(9) Waterfront Development Permit, Coastal Zone Management, N.J.A.C. 7:7E-1 et seq.

Permit Number _____

Yes___ No___

(10) Wetlands Permit for Coastal and Waterfront Development, Coastal Zone Management, N.J.A.C. 7:7E-1 et seq.

Permit Number _____

Yes___ No___

(11) Freshwater Wetlands Permit, Freshwater Wetlands Protection, N.J.A.C. 7:7A-1 et seq.

Permit Number _____

Yes___ No___

(12) Stream Encroachment Permit, Flood Hazard Area Control, N.J.A.C. 7:13-1 et seq.

Permit Number _____

Yes___ No___

(13) Solid Waste Facility Registration, Solid Waste, N.J.A.C. 7:26-1 et seq.

Permit Number _____

Yes___ No___

(14) Disruption of Solid Waste (construction or excavation activity on or in a closed or existing solid waste land disposal area), Solid Waste, N.J.A.C. 7:26-2.A.8(j).

Permit Number _____

Yes___ No___

(15) Hazardous Waste Facility Registration, Solid Waste, N.J.A.C. 7:26-1 et seq.

Permit Number _____

Yes___ No___

(16) Discharge Prevention, Spill Compensation and Control Approval, Discharges of Petroleum and Other Hazardous Substance, N.J.A.C. 7:1E-1 et seq.

Permit Number _____

Yes___ No___

(17) Water Lowering Permit, Fish and Game Laws N.J.S.A. 23:5-29.

Permit Number _____

Yes___ No___

(18) Water Quality Certification, Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1 et seq., and the Federal Clean Water Act Amendments of 1977, 33 U.S.C. 1251, Section 401.

Permit Number _____

Yes___ No___	(19) Dredge and Fill Permit, Army Corps of Engineers, Clean Water Act, 33 U.S.C. 1251 et seq., Section 404.
	Permit Number _____
Yes___ No___	(20) Permit to Divert Surface or Subsurface Waters (Dewatering), Water Supply/Allocation Permits, N.J.A.C. 7:19-1 et seq.
	Permit Number _____
Yes___ No___	(21) Underground Storage Tank Permit, Underground Storage, N.J.A.C. 7:14B-1 et seq.
	Permit Number _____
Yes___ No___	(22) Consistency Determination with Water Management Plans, N.J.A.C. 7:15-1 et seq.
	Permit Number _____
Yes___ No___	(23) Assessment of Consistency with the New Statewide Water Supply Plan, N.J.S.A. 58:1A-1 et seq.
	Permit Number _____
Yes___ No___	(24) Assessment of Consistency with the New Jersey State Development and Redevelopment Plan, New Jersey State Planning Act.
	Permit Number _____
Yes___ No___	(25) Delaware and Raritan Canal Commission Approval Delaware and Raritan Canal, N.J.A.C. 7:45-1 et seq.
	Permit Number _____
Yes___ No___	(26) Green Acres Program Review, Green Acres Program, N.J.A.C. 7:36-1 et seq.
	Permit Number _____
Yes___ No___	(27) Pinelands Commission Approval, Pinelands, N.J.A.C. 7:50-1 et seq.
	Permit Number _____
Yes___ No___	(28) Hackensack Meadowlands Development Commission Approval, N.J.A.C. 7:7E-3.45.
	Permit Number _____
Yes___ No___	(29) Delaware River Basin Commission Approval, Delaware River Basin Compact, N.J.S.A. 58:18-18 et seq.
	Permit Number _____

Yes___ No___ (30) Toxic Catastrophe Prevention Act, N.J.A.C. 7:31-1 et seq.

Permit Number _____
Yes___ No___ (31) Dam Safety Permit, Safe Dam Act, N.J.A.C. 7:20-1 et seq.

Permit Number _____
Yes___ No___ (32) ACO/JCO Applicability and/or Conversion.

Permit Number _____
Yes___ No___ (33) SED Business Utilization, N.J.A.C. 7:22-9.1 et seq.

Permit Number _____
Yes___ No___ (34) Safe Drinking Water Permit, N.J.A.C. 7:10-1 et seq.

Permit Number _____
Yes___ No___ (35) Procedures Concerning the New Jersey Register of Historic Places, N.J.A.C. 7:4-1 et seq.

Permit Number _____
Yes___ No___ (36) Other State Approvals (Specify) _____

Yes___ No___ (37) Other Federal Approvals (Specify) _____

Yes___ No___ (38) Other Local Approvals (Specify) _____

YOU WILL BE REQUIRED TO PROVIDE WRITTEN DOCUMENTATION AND CONCURRENCE
FROM THE APPLICABLE PERMIT/APPROVAL AGENCIES FOR YOUR PROPOSED PROJECT,
SHOULD YOU DISAGREE WITH ANY OF THE ABOVE PERMIT(S)/APPROVAL(S) NOTED.

COMMENTS: _____

New Jersey Environmental Infrastructure Financing Program

LP-8

APPLICATION CHECKLIST

(For each item, check appropriate column)

Applicant: _____ Date: _____

A. Have the following items required under N.J.A.C. 7:22-3.11(d) and N.J.A.C. 7:22-4.11(d) been included with this application submittal?	Attached <input checked="" type="checkbox"/>	Date Submitted	Not Applicable
1. Application for Financial Assistance from the <u>New Jersey Environmental Infrastructure Financing Program</u> (FORM LP-2)			
2. For local government units, certified copy of a resolution or letter adopted by the applicant or, for privately owned water supply systems, a letter for the owner(s):			
(a) Authorizing the filing of the application, and			
(b) specifying the individual authorized to sign the application			
3. Statement of Assurances (FORM LP-3)			
4. Assurance of Compliance with the Regulations Under Title VI of the Civil Rights Act of 1964 (FORM LP-4)			
5. Budget Information Sheet (FORM LP-5A or 5B)			
6. Affidavit of Compliance and Attachment (FORM LP-7)			
7. Additional Information (FORM LP-9)			
8. Applicant Contacts (FORM LP-10)			
9. For local government units, a Professional Services Affidavit (PSA) (FORM LP-11)			
B. Have the following items been submitted?			
1. Project Report/Facilities Plan			
2. Sewer System Evaluation Survey (wastewater projects only)			
3. Plans, Specifications, Contract Documents and Technical Design Reports			
4. Public Participation Process (transcripts/responsiveness summary for public hearing)			
5. a) Planning and Design SED Utilization Report (N.J.A.C. 7:22-9.12(a))			
b) SED Utilization Plan (N.J.A.C. 7:22-9.4) (To be submitted within 45 days of receipt of this application)			
6. Project Cost Breakdown "Per Subagreement" For Construction (FORM LP-6A)			

Have the following items been submitted?	Attached <input checked="" type="checkbox"/>	Date Submitted	Not Applicable
7. Projected Disbursement Schedule (FORM LP-6B)			
8. Construction Schedule			
9. Administrative and Judicial Consent Order (if any)			
(b) specifying the individual authorized to sign the application			
10. Sewer Use Ordinance (wastewater projects only); User Charge System for environmental infrastructure facilities (and/or other means to repay loan)			
11. Value Engineering (\$10 million or more; wastewater projects only)			
12. Infiltration/Inflow Information (wastewater projects only)			
13. Reserve Capacity Information			
14. Technical, managerial and financial capability analysis (water supply projects)			
C. Have the following items been submitted?			
1. Certificate (legal opinion) from counsel as to title or mechanism to obtain title for project site and easement			
2. Statement indicating no Federal, State or local law has been violated pertaining to fraud, bribery, graft, kickbacks, collusion or conflict of interest relating to or in connection with planning and design of the proposed project.			
3. Statement indicating that no services of a person whose name appears on EPA's or the New Jersey State Treasurer's list of debarment, suspensions, and voluntary exclusions were used for planning and design			
4. Service Agreement and/or Deficiency Agreement and all other relevant Intermunicipal agreements			
5. Draft Engineering Agreement for Building Services			
6. Statement on other related Federal or State assistance (previous, pending or anticipated) on this project			
7. Statement whether the applicant has any State loan(s) and/or is delinquent in repayments			

PART V

ADDITIONAL INFORMATION

- FORM LP-9
Additional Information
- FORM LP-10
Applicant Contacts
- FORM LP-11
Guidance for the Use and
Submittal of the Professional
Services Affidavit (PSA)
- EPA Form 4700-4
Preaward Compliance Review
Report for All Applicants
Requesting Federal Financial
Assistance

Applicant _____

Project Number _____

1. If the assistance requested will serve a State or Federal installation, provide:

a) Name of installation: _____

b) Governmental population benefiting from project:

State: _____ Federal: _____

2. If the project for which assistance is required will be on State or Federal land or installation, provide:

a) Name of installation: _____

b) Percent of Project: _____

c) Location: _____

3. If the assistance requested will serve industrial users, provide:

a) Name of Industries:

1. _____

2. _____

3. _____

b) Percent of Design Flow allotted to each industry in "a":

1. _____

2. _____

3. _____

4. If the project for which assistance is requested has caused, or will cause, the displacement of any individual, family, business, or farm, provide number of:

a. Individuals: _____

c. Families: _____

b. Businesses: _____

d. Farms: _____

5. Indicate if project is in a designated special flood hazard area:

YES _____ NO _____

(If answer is "yes" see item 22 of "Statement of Assurances" FORM LP-3)

6. If applicant has obtained the necessary land, indicate how:

_____ Leasehold interest _____ Fee simple title

_____ Other (Specify) _____

Applicant _____ Project No. _____

LP-10

APPLICANT CONTACTS

PRIMARY CONTACT PERSON

Name: _____ Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

BOND COUNSEL

Name: _____ Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

GENERAL COUNSEL

Name: _____ Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

ENGINEER

Name: _____ Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

FINANCIAL ADVISOR

Name: _____ Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

ACCOUNTANT / AUDITOR

Name: _____ Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

1. What is the purpose of the Professional Services Affidavit?

The purpose of the PSA is to ensure that a qualified responsible person/firm has been properly procured by the applicant to undertake required professional services (financial, legal, environmental or archaeological studies, engineering, bond counsel, etc.) for the building and management of wastewater treatment systems funded under one of the State's Financing Programs. Further, the PSA is to ensure that the local government unit has reviewed the scope of work and costs for each prime subagreement for professional services for the project and determined them to be acceptable and reasonable.

2. Which documents are to be submitted with the Professional Services Affidavit?

- a) A resolution from the local government unit must be submitted designating the authorized representative; and authorizing the representative to legally sign the PSA, loan application and professional services agreements.
- b) Upon the execution of each professional services prime subagreement by the applicant and the provider of professional services, the completed PSA must be submitted with a copy of the resolution authorizing the procurement of the subagreement as well as a copy of the executed subagreement.

3. Who must complete and submit the Professional Services Affidavit?

The legally authorized representative of the local government unit applying for funding (applicant) under one of the State's Financing Programs must complete and sign the PSA and attest to compliance with the provisions of the PSA.

4. When does the applicant submit the Professional Services Affidavit?

The PSA and executed professional services prime subagreement(s) must be submitted prior to the Department's "Authorization to Advertise" contracts for the project.

5. Where does the applicant submit the Professional Services Affidavit?

The completed PSA shall be submitted to:

Stanley V. Cach, P.E., P.P., Assistant Director
Municipal Finance and Construction Element
New Jersey Department of Environmental Protection
Division of Water Quality
P. O. Box 425
Trenton, New Jersey 08625

DEFINITIONS:

“APPLICANT” - means any local government unit that applies for state financing pursuant to the provisions of the applicable rules and regulations

“AUTHORIZED REPRESENTATIVE” - means the person authorized by local government unit resolution to sign legal documents pertaining to State’s Financing Program documents

“AUTHORIZATION TO ADVERTISE” - means written authorization of the applicant by the Department to advertise contracts for solicitation of bid proposals for building. NOTE: All necessary permits and approvals must be obtained by the applicant prior to the Department’s issuance of an Authorization to Advertise.

“DEPARTMENT” – means New Jersey Department of Environmental Protection

“NEGOTIATED ACCEPTABLE COST” - means a contract for professional services executed directly between the applicant and provider of professional services

“PRIME SUBAGREEMENT” - means a contract for professional services executed directly between the applicant and provider of professional services

“PROFESSIONAL SERVICES” - means services rendered or performed by a person authorized by law to practice a recognized professional, whose practice is regulated by law, and the performance of which services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Examples are services provided by an accountant, archaeologist, attorney, auditor, bond counsel, engineer, environmentalist, financial advisor, etc.

“STATE’S FINANCING PROGRAM” - means the funding program providing financing to the applicant and includes the New Jersey Environmental Infrastructure Financing Program (includes wastewater treatment and water supply), Sewage Infrastructure Improvement Act Program, and the Pinelands Infrastructure Trust Fund

New Jersey Department of Environmental Protection

LP-11

AFFIDAVIT FOR PROFESSIONAL SERVICES

I, _____, the undersigned authorized representative of _____, the applicant for

(check one)

_____ New Jersey Environmental Infrastructure Financing Program – (Fund/Trust Loans) pursuant to N.J.A.C. 7:22-3 and 7:22-4

_____ Sewage Infrastructure Improvement Act - (Planning or Design Grants) pursuant to N.J.A.C. 7:22A-1, 2, and 6

_____ Interconnection/Cross Connection Abatement Account - (Planning or Design Grants) pursuant to N.J.A.C. 7:22A-1, 2 and 7

_____ Pinelands Infrastructure Trust Fund - (Grant/Loan) pursuant to N.J.A.C. 7:22-6 being duly sworn according to law, upon my oath deposes and attests that:

1. The applicant has selected the following firm to provide Professional Services:

Firm Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone Number _____

Principal Officer _____

Further, the selection of the above-referenced firm has been made in accordance with the State of New Jersey's Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., or other procurement laws. (NOTE: if an alternative procurement law is involved, please cite the law below, which may include the Privatization Act, N.J.S.A. 58:27-1 et seq., or the Solid Waste Management Act's contracting provisions at N.J.S.A. 13:1E-155 through 168 as well as applicable provisions of state rules or requirements thereof.)

The selected firm will perform the following services:

for Project No. _____ described as (include a brief description of the project):

at a compensation amount not to exceed \$ _____

2. The applicant has reviewed the Professional's scope of services and all costs, including direct and indirect costs, associated with this contract for the aforementioned project noted under item 1 above. The applicant herein agrees and approves the costs as being acceptable and reasonable for the intended purpose to complete all said services.

3. The applicant has attached to this AFFIDAVIT a certified copy of the executed professional services prime subagreement.

4. The applicant has attached to this AFFIDAVIT a copy, of the resolution as approved by the local government unit or letter, approving the professional noted under item 1; the Scope of Services for the said project and the Negotiated Acceptable Costs.

The foregoing statements made by me are true and the attached copies of documents are true and correct copies of records maintained by the applicant.

Date

Signature of Authorized Representative

Name of Authorized Representative (typed)

Title of Authorized Representative (typed)

Sworn to and subscribed before me this
_____ day of _____, 19 _____

Signature NOTARY PUBLIC SEAL



Washington, DC 20460
**Preaward Compliance Review Report for
All Applicants Requesting Federal Financial Assistance**

FORM Approved
OMB No. 2030-0020
Expires 12-31-05

Note: Read instructions before completing form.

I. A. Applicant (Name, City, State)		B. Recipient (Name, City, State)	C. EPA Project No.
II. Brief description of proposed project, program or activity.			
III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If yes, list those complaints and the disposition of each complaint.			<input type="checkbox"/> Yes <input type="checkbox"/> No
IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? If yes, list those compliance reviews and status of each review.			<input type="checkbox"/> Yes <input type="checkbox"/> No
V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project program or activity? If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.			<input type="checkbox"/> Yes <input type="checkbox"/> No
VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.			
VII. Population Characteristics			Number of People
1. A. Population of Entire Service Area			
B. Minority Population of Entire Service Area			
2. A. Population Currently Being Served			
B. Minority Population Currently Being Served			
3. A. Population to be Served by Project, Program or Activity			
B. Minority Population to be Served by Project, Program or Activity			
4. A. Population to Remain Without Service			
B. Minority Population to Remain With Service			
VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If no, explain how a regulatory exception (40 CFR 7.70) applies.			<input type="checkbox"/> Yes <input type="checkbox"/> No
IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.			
X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			
A. Signature of Authorized Official		B. Title of Authorized Official	C. Date
For the U.S. Environmental Protection Agency			
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Authorized EPA Official	Date

Instructions for EPA FORM 4700-4 (Rev. 1/90)

General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of The Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person on the basis of sex shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer certain questions, EPA program officials should be contacted for clarification.

ITEMS

- IA. "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance.
- IB. "Recipient" means any entity, other than applicant, which will actually receive EPA assistance.
- IC. Self-explanatory.
- II. Self-explanatory.
- III. "Civil rights lawsuits" means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant and/or entity, which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.
- IV. "Civil rights compliance review" means any review assessing the applicant and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity, which will actually benefit from the grant, it should be listed.
- V. Self-explanatory.
- VI. The word "community" refers to the area under the applicant and/or recipient's jurisdiction. The "community" might be a university or laboratory campus, or a community within a large city. If there is significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the Regional office may require a map, which indicates the minority and nonminority population served by this project, program or activity.
- VII. This information is required so that reviewers may determine if a disparity in the proposed provision of services will exist in the event the application is approved for funding. Give population of recipient's jurisdiction, broken out by categories as specified.

In the event the applicant cannot provide the requested information because the funds will be distributed over a wide demographic area, which is yet to be determined, an explanation may be provided on a separate sheet. For example, a State applying for a capitalization grant under the State Revolving Fund program may not know which cities and counties will apply for, and receive, SRF loans.
- VIII. Self-explanatory.
- IX. "Jurisdiction" means the geographical area over which applicant has the authority to provide service.
- X. Self-explanatory.

"Burden Disclosure Statement"

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.